
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ALEX MELVIN WADE, JR.,

Plaintiff,

versus

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CID, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:13-CV-230

MEMORANDUM ORDER

Plaintiff, Alex Melvin Wade, an inmate with the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 28 U.S.C. § 1983.

DISCUSSION AND ANALYSIS

Plaintiff filed correspondence on October 24, 2013 stating he wished to withdraw this civil rights action. This court construes the correspondence from plaintiff as a motion to dismiss.

Plaintiff has an absolute right to voluntarily dismiss his claims, without a court order, before the opposing party serves an answer. *See* FED. R. CIV. P. 41(a)(1). The defendants have not been ordered to answer in this case. Plaintiff's claims, therefore, should be dismissed pursuant to FED. R. CIV. P. 41(a)(1).

ORDER

Plaintiff's motion to dismiss is **GRANTED** and this civil rights action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(a)(1).

SIGNED at Sherman, Texas, this 4th day of November, 2013.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE